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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,703	10/05/2006	Markus Gottschalk	P31888 USA	2987
23307	7590	04/23/2009		
FOX ROTHSCHILD LLP 2000 MARKET STREET 10th Floor PHILADELPHIA, PA 19103			EXAMINER PARKER, FREDERICK JOHN	
			ART UNIT	PAPER NUMBER
			1792	
			MAIL DATE	DELIVERY MODE
			04/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/599,703

Applicant(s)

GOTTSCHALK, MARKUS

Examiner

Frederick J. Parker

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Specification

1. The substitute specification is acknowledged and entered, and overcomes the specification objections of the previous Office Action.

Claim Objections

2. The amendments in response to the Claim Objections of the Previous Office Action are acknowledged and appreciated, and the Examiner withdraws the objections.
3. The rejections regarding the “use” claims of the previous Office Action are withdrawn in view of amendments.

Claim Rejections - 35 USC § 112

4. The amendments in response to the 35 USC 112 rejections of the Previous Office Action are acknowledged and appreciated, and the Examiner withdraws the rejections, except if repeated.
5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1,5,9,10,11 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for screen printing, does not reasonably provide enablement for any transfer printing process which encompasses stamp printing, gravure, flexography, etc. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to carry out the invention commensurate in scope with these claims. The specification is explicitly directed to screen printing of the non-uniform coatings on air bag fabric; see PCT abstract; page 2, 29-33; page 4, 25-26; etc.

Applicants argue the coating means is supported in the specification. This rejection is not about non-enablement but rather scope of enablement. The Examiner agrees that screen printing is supported but the claims extend beyond the scope of what is in the specification. The rejection is maintained.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 5, 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claims 5,9-11 are vague and indefinite because the structure of the apparatus claims differs from that of the structural aspects of the method claims such that it is unclear that the apparatus of the apparatus claims is capable of carrying out the method; for examination, any apparatus containing the limitations of the apparatus claims will be considered to read on these claims.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menzel US 5110666 in view of Tanase US 2002/0017775.

Menzel teaches a method and apparatus for coating portions of woven fabric for air bag components from unwind roller 80, the "sheetlike" fabric moves via rollers to coating head 41 which also comprises knife blade 42 which appears to be useful for cutting uncoated fabric 12 just prior to coating (col. 5, 47-55). Coated fabric is then heated at oven 43 and transported to wind-up roller 90. The coater may be a screen printer which by definition comprises a shaped screen (= mesh/sieve) with covered and uncovered screen portions ("areal portions") forming a pattern through which coating material is forced to the substrate to form patterned coatings corresponding to the open areas of the screen portions. The screen/mesh per se is otherwise inherently impermeable. Menzel further discloses (col. 1, 55-61) that it is known and conventional to cut and trim neoprene rubber coated fabric into components prior to final fabrication ; however uncoated cut areas tend to fray during cutting and trimming (requiring or suggesting discarding waste portions).

Collectively, Menzel teaches a continuous coating method to coat woven air bag fabric components which conventionally may be neoprene coated, and further selectively coating portions of the fabric using screen printing, followed by thermal treatment, cutting/trimming, and roll-up. However, Tanase in [052] teaches to cut and bore a woven fabric into a shape, coating to form a coated fabric portion, and further formation to make an air bag. Coating is further disclosed by the prior art to prevent fraying of fabric edges. As to claims 3,6 optimization of coating thickness by adjusting amount/ mass of coating material delivered to a coater would have been an obvious modification within the purview of one of ordinary skill to form desired coating characteristics.

At to apparatus claims 5,9-11, the combination of prior art sets forth a method requiring an apparatus consecutively comprising a cutting station (Tanase), coating station, and drying/heating station (Menzel, col. 7, 13-14;EX. 1; etc).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method / apparatus of Menzel on cut areas of woven fabric components for an air bag following a cutting step as set forth in the overall method steps of Tanase for the forming of air bag portions prior to assembly while also preventing fraying of the fabric edges.

Response to Arguments

Applicants arguments related to the prior art has been reviewed. Applicants argue Menzel teaches away from cutting prior to coating. The Examiner disagrees that this argument is even pertinent. Tanase sets forth that an air bag is formed by cutting a base cloth to a predetermined shape, bored to form holes, coated to form a coating layer, and folded/assembled into a air bag assembly. This is a short passage, but it still discloses that it is known in the prior art that air bag fabric is cut prior to at least one coating step in the basic process of forming air bags, including cutting BEFORE coating. Menzel is specifically directed to coating steps including screen printing, followed by drying and additional CUTTING. Applicant's claims fail to prohibit additional steps, including those of additional cutting. Thus the "teaching away" and combinability arguments are not persuasive.

As to Applicants' arguments that the prior art does not teach nor suggest to discard after cutting residual waste portions, the implication that such a step defines patentability over the prior art is simply not persuasive. It is readily within the purview of one of ordinary skill that

after cutting, trimming, slicing, etc that waste is removed and discarded or recycled as appropriate. Clearly the manufacturing process would be hindered by piles of waste debris being left on a process line and the discarding/ removal of such waste is apparent. Such waste would interfere with processing, would impede access of individuals to the line, and potentially present safety issues. Put another way, there is simply no reason why one of ordinary skill would not remove waste material from the process line. It is well-established that the artisan is presumed to know something about the art apart from what the references disclose, In re Jacoby 135 USPQ 317; The conclusion of obviousness maybe made from “common sense” and “common knowledge” of the person of ordinary skill, In re Bozek 163 USPQ 545. In response to Applicants argument that there is no teaching nor suggestion to combine the cited prior art, Applicants are reminded that KSR 82 USPQ2d 1396 forecloses the argument that a specific teaching, suggestion, or motivation is required to establish a prima facie case of obviousness. KSR establishes that design incentives, market forces, predictability, use of ordinary skill and common sense, and ordinary capabilities or ingenuity of one skilled in the art articulated by the Examiner may be relied upon to support obviousness. In this case, removal of waste/ residual cut fabric is a matter of the use of ordinary skill and common sense, and ordinary capabilities or ingenuity of one skilled in the art as articulated above by the Examiner, and is not a leap in technological know-how. Applicants arguments are not convincing; Applicants claims fail to patentably distinguish over the prior art. The rejection of claims 1-11 are maintained.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick J. Parker whose telephone number is 571/ 272-1426. The examiner can normally be reached on Mon-Thur. 6:15am -3:45pm, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571/272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Frederick J. Parker
Primary Examiner
Art Unit 1792

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Primary Examiner, Art Unit 1792